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10-9-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. Of: AIN ET AL.
Serial No.: 09/366,768
Filed: August 4, 1999
For: FIBRE CHANNEL ADDRESS BLOCKING. . .
Group: 2661
Examiner: TRI PHAN

DOCKET:
TUC999033

RECEIVED

The Honorable Commissioner for Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

SEP 16 2003

Technology Center 2600

**PETITION UNDER 37 C.F.R 1.181(a) TO
WITHDRAW HOLDING OF ABANDONMENT**

On May 31, 2002, a Continued Prosecution Application was filed for Serial No. 09/366,768. On July 29, 2003, a Notice of Abandonment was received for Serial No. 09/366,768. According to that Notice of Abandonment, on September 9, 2002, Examiner Tri Phan issued an Office Action (the "Pending Office Action") in Serial No. 09/366,768.

The mailing address for Serial No. 09/366,768 on September 9, 2002 was: IBM Corporation, Intellectual Property Law, 9000 South Rita Road, Tucson, Arizona 85744. IBM did not receive the Pending Office Action.

Appended hereto as Exhibit 1 is a letter from Jean Barkley, an in-house IBM patent attorney, averring that IBM has checked its files with respect to Serial No. 09/366,768, and those IBM files do not indicate receipt of the Pending Office Action.

Appended hereto as Exhibit 2 is a copy of the IBM Docket System for Docket TUC9-1999-0033US2, i.e. Serial No. 09/366,768. As Exhibit 2 shows, no entry has been made for the Pending Office Action.

Because the Pending Office Action was not received, Applicants could not respond thereto. Applicants respectfully request that the holding of abandonment for Serial No. 09/366,768 be withdrawn.

We believe there are no fees involved with this Petition, however, in the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account No. 502262.

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